

MHYA210003342013

**Order below Exh.149 in RCS No.20/2013**

Shrikrishna Singh -Vs- W.C.L.

(Passed on 04-11-2023)

The filed instant application filed by plaintiff for directing the defendant to produce original record of documents viz, at Exh.102 to 112. The defendant submitted that defendant has filed xerox copies of above mentioned documents at Exh.102 to 112 on record. But, the originals of above mentioned documents are lying with the office of defendant, as narrated by the defendant's witness during cross examination. It is further contention of plaintiff that above said documents are exhibited for the limited purpose i.e. thumb impression and signatures of plaintiff but writing was made by other person/employees of the defendant other than plaintiff. Therefore, controversies are remain in absence of original documents and prejudice may be caused to plaintiff. Hence, plaintiff prayed for direction be given to defendant to produce original record of Exh.102 to 112.

2. Defendant has filed its say at Exh.150 and submitted that in presence of both parties and advocates, the documents Exh.102 to 112 has rightly exhibited the documents. Defendant further submitted that at the time of exhibiting said documents and cross examination of defendant's witness, the plaintiff or his advocate raised this objection for production and filing of original documents

on record. The said documents are permanent record of defendant company. Advocate for defendant submitted that at the stage of argument and try to shift burden on defendant, plaintiff has filed the said application.

3. Perused the application and say filed by defendant. Heard both parties at length. Learned Advocate for plaintiff submitted that documents at Exh.102 to 112 are having in the custody of defendant and defendant's witness in cross examination deposed that he is ready to produce original copy of Exh.102 to 112 which are kept in their office. He further submitted that he wants original copies of Exh.102 to 112 for verification and satisfaction of the court and, therefore, no prejudice would be caused to defendant. On the other hand, learned Advocate for defendant submitted that even ample opportunities, plaintiff failed to sought production of original copies of Exh.102 to 112 on record. Now, at this stage, present application is not maintainable. Perused the prayer clause of the said application, wherein, it is prayed b the plaintiff for producing original record of Exh.102 to 112 on record in the interest of justice and for proper disposal of the suit on merit. The suit is at the stage of final argument. By way of this application, plaintiff only requested for production of original copies of Exh.102 to 112 and defendant is also accepted that original record of Exh.102 to 112 are kept in their office. Thus, no prejudice would be caused to defendant if, the application is allowed. So also, doubt of plaintiff regarding Exh.102 to 112 is also satisfied. Thus, plaintiff's application needs to be considered. Thus, in the interest of justice, I pass the following order.

ORDER

1. The application (Exh.149) is allowed.
2. The defendant is directed to produce original record of Exh.102 to 112 on record. Said production of original record of Exh.102 to 112 is only for the purpose of verification and clarification.
3. Costs in cause.

Date : 04/11/2023.

(P. C. Bachhale)
Jt. Civil Judge (Jr. Dn.)
Wani.